

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**

**GARLAND DECOURCY,**

**Plaintiff,**

**v.**

**JUDGE DENNIS LEE HUPP, et al.,**

**Defendants.**

)  
)  
)  
) **Civil Action No. 5:15cv00060**  
)  
)  
)  
) **By: Michael F. Urbanski**  
) **United States District Judge**  
)

**ORDER**

Pro se plaintiff Garland DeCourcy filed a 172-page motion for temporary restraining order and preliminary injunction on November 13, 2014 in miscellaneous case number 5:14mc00047. See ECF No. 2; see also Case No. 5:14mc00047, ECF No. 2. DeCourcy never filed any complaint against defendants, nor proof of service, and failed to respond to the Show Cause Order issued by the United States Magistrate Judge on March 11, 2015. See ECF No. 4; Case No. 5:14mc00047, ECF No. 4.

On September 10, 2015, the court directed the Clerk to close miscellaneous case number 5:14mc00047 and open this matter as civil action number 5:15cv00060, and thereafter referred all motions in this case to the magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(A) and (B). ECF No. 6. The magistrate judge issued a report on September 17, 2015, recommending this case be dismissed for failure to prosecute. ECF No. 7. No objections to the report have been filed and the court finds that it should be adopted in its entirety.<sup>1</sup>

---

<sup>1</sup> The docket reflects that the court's oral order directing the opening of this civil action (ECF No. 5) and order referring this matter to the magistrate judge (ECF No. 6), as well as the magistrate judge's report and recommendation (ECF No. 7), were mailed to the plaintiff but were all returned as undeliverable with no forwarding address for plaintiff. See ECF Nos. 8 & 9. It is the plaintiff's obligation to keep a current address and telephone number on file in the clerk's

As such, it is hereby **ORDERED** that the magistrate judge's report and recommendation (ECF No. 7) is **ADOPTED** and that this matter is **DISMISSED** without prejudice on account of plaintiff's failure to prosecute.

It is **SO ORDERED**.

The Clerk is directed to send a copy of this Order to the pro se plaintiff and to counsel of record.

Entered: October 9, 2015

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge

---

office. W.D. Va. Civ. R. 11. The court notes that the Show Cause Order mailed to plaintiff at the same address on file back in March 2015 was not returned.